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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,495	07/21/2003	Makoto Setoyama	03327.2303	5000
22852	7590	05/23/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			MCDONALD, RODNEY GLENN	
			ART UNIT	PAPER NUMBER
			1753	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,495

Applicant(s)

SETOYAMA ET AL.

Examiner

Rodney G. McDonald

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received:

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because the use of the word "cathode" at line 5 of page 25 and the use of the phrase "a plurality of cathodes" at line 9 page 25 is confusing. The following amendments are suggested to alleviate confusion:

Page 25, line 3, delete "a" in claim 1.

Page 25, line 5, replace "cathode" with the phrase "plurality of cathodes" in claim 1.

Page 25, line 8, replace " cathode" with the phrase "plurality of cathodes" in claim 1.

Page 25, line 9, replace "a" with "said" in claim 1.

Page 25, line 16, replace "cathode" with the phrase "one of said plurality of cathodes" in claim 1.

Page 25, line 19, before "cathodes" insert the phrase "plurality of" in claim 1.

Page 25, line 19, replace "desired cathode" with the phrase "desired one of said plurality of cathodes" in claim 1.

Page 25, line 21, insert the phrase "of said plurality of cathodes" after the word "cathode" in claim 1.

Page 25, line 25, replace "said cathode on a negative side" with the phrase "said plurality of cathodes on a negative side".

Page 26, line 3, insert the phrase "of said plurality of cathodes" after the word "cathode" in claim 1.

Page 26, line 4, replace "said cathode" with the phrase "a cathode of said plurality of cathodes".

Claim 1 is indefinite at line 17 of page 25 because "said changed-over position" lacks antecedent basis. It is suggested to insert the phrase "to a changed-over position" after the word "electrode" at line 13 of page 25.

Claim 1 is indefinite at line 21 of page 25 because of the phrase "change over a cathode". It is suggested to replace this phrase with "change over to a cathode".

Claim 1 is indefinite at line 3 of Page 26 because of the phrase "change over a cathode". It is suggested to replace this phrase with "change over to a cathode".

Claim 1 is indefinite at line 23 of page 25 because "cathode" should be "cathode holder".

Claim 1 is indefinite at line 25 of page 25 because of the phrase "cathode with". It is suggested to write this as "cathode holder with".

Page 27, line 7, change "the plurality" to "said plurality" of claim 5.

Page 27, line 8, delete "the" in claim 5.

Page 27, line 10, change "cover" to "covers" in claim 5.

Page 27, line 14, delete "the" in claim 6.

Page 27, line 16, delete "the" in claim 6.

Page 27, line 17, insert the phrase "ones of the plurality of" after the word "other" in claim 6.

Page 27, line 21, replace "the" with "said plurality of" in claim 7.

Page 28, line 9, insert the phrase "at least three" before "cathodes" in claim 10.

Allowable Subject Matter

Claims 1-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-10 are allowable over the prior art of record because the prior art of record does not teach a plurality of cathodes attached to the cathode holder, a trigger electrode for arc ignition, a trigger drive unit for performing an operation to change over a position of the trigger electrode to thereby position the trigger electrode in front of a desired one of the plurality of cathodes and an operation to move the trigger electrode toward or to get apart from the desired cathode in the position, a shutter capable of covering fronts of all of the cathodes except the desired cathode, and a shutter capable of covering fronts of all of the cathodes except the desired cathode, and a shutter drive unit for performing an operation to move the shutter to thereby change over a cathode not covered with the shutter; an arc power supply connected between the cathode of the arc evaporation source and an anode corresponding to the cathode with the cathode on a negative side; and a changeover control unit for making a changeover control to control the shutter drive unit and the trigger unit so as to change over a

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cathode not covered with the shutter while positioning the trigger electrode in front of the cathode not covered with the shutter.

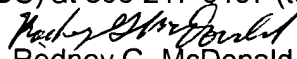
The closest prior art to Snaper et al. (US Pat. 5,254,237) and Vetter et al. (U.S. Pat. 5,294,322) while showing multiple cathodes fails to show among other things the trigger drive unit, the shutter and changeover control unit of Applicant's claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney G. McDonald whose telephone number is 571-272-1340. The examiner can normally be reached on M- Th with Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Rodney G. McDonald
Primary Examiner
Art Unit 1753

RM
May 18, 2005